



FOR IMMEDIATE RELEASE:

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Governor Ehrlich to Grant Clemency to Twelve

Governor Intends to Pardon Wrongfully Convicted Michael Austin

ANNAPOLIS – Governor Robert L. Ehrlich, Jr., today announced that he intends to grant a pardon to Michael Austin of Baltimore, absolving him from his 1973 convictions for murder, grand larceny, and handgun violation that were vacated by the Circuit Court for Baltimore City on December 27, 2001. Governor Ehrlich also announced the denial of 11 pardon requests.

Austin was sentenced to a term of life imprisonment as a result of his convictions. After serving over 26 years in prison, Austin was released from prison when new evidence called those convictions into question. The pardon allows Austin to pursue compensation from the State Board of Public Works.

In vacating Austin's sentence, Judge John Carroll Byrnes wrote in his decision, "No reasonable juror could have voted Austin guilty beyond a reasonable doubt in light of the new evidence."

Writing to the Governor, the prosecuting attorney of Austin's case, Joseph J. Wase, wrote, "I did not intend to ever prosecute an innocent man, as I now realize I did."

"Questions surrounding testimony from the key witness in this case, coupled with the Judge Byrnes' finding that Mr. Austin's conviction was conclusively in error, victim support, and the admission of the prosecuting attorney that he unknowingly prosecuted an innocent man, significantly influenced my decision," Governor Ehrlich said. "I am committed to fostering a justice system that is tough but fair. I believe my decision to pardon Mr. Austin is both proper and just.

"The death of Roy Kellam was a senseless act of violence. I sympathize with the victim's family and reaffirm the Ehrlich-Steele Administration's commitment to end the cycle of crime, which destroys too many lives, families and communities."

Based on the recommendation of the Maryland Parole Commission, Governor Ehrlich intends to commute the sentence of Karen Lynn Fried, 42, to a term of 45 years.

Fried is serving a life-sentence after being convicted of murder and conspiracy to commit murder on September 15, 1978. She was one of two people who participated in the death of Toni Jordan. However, Fried did not assist Neil Cohen in stabbing the victim.

Fried has served over 25 years in prison. While in prison, Fried has been an exemplary inmate, especially for the last 17 years. She has received her GED, completed college level courses in human services, and has engaged herself in self-help programs, including Alcoholics and Narcotics Anonymous, Soil Sisters, Jaycee programs, and the Pilot Dog program. Judge John Raine, Jr., who sentenced Fried, wrote that he believed Fried had “achieved the maximum rehabilitation” and “reached a point where she should be paroled.”

The Governor’s action places Fried within the sole jurisdiction of the Maryland Parole Commission with respect to the granting or denial of parole and the terms of any release.

Governor Ehrlich intends to grant pardons to 9 others, including:

- Christopher Wayne Akers, 46, convicted of larceny in 1975. He was sentenced to 12 months unsupervised probation and fined \$90.00.
- Hope Peyton Carter, 41, convicted of welfare fraud in 1986. She was sentenced to 90 days, suspended, and two years probation.
- Kohn Kermit Ellis, 40, convicted of possession of a deadly weapon in 1983. He was sentenced to 60 days, suspended, and three years probation, and required to pay a \$100 fine, but this sentence was modified to three and half years suspended all but one year and two years probation.
- Kathleen Marie Divens Griner, 45, convicted of possession with intent to distribute phencyclidine in 1984. She was sentenced to three years, suspended, and three years supervised probation.
- Thomas William Huber, Jr., 43, convicted of narcotics distribution, maintaining common nuisance, and two counts of possession of a controlled dangerous substance in 1983. He was sentenced to concurrent terms of three and a half years and two years probation and six months and two years probation.
- Ralph Wesley Knott, 43, convicted of battery in 1979. He was fined \$35 and ordered to pay court costs of \$15.
- Brenda Grace Nickerson, 34, convicted of battery in 1989. She was sentenced to one month suspended sentence, one year probation and restitution.
- Veronica Phillips, 45, convicted of forged government checks in 1981. She was sentenced to eighteen months probation.

- Eileen Rebecca Wardrop, 60, convicted of obtaining money under false pretenses with intent to fraud in 1974. She was sentenced to two years suspended sentence with indeterminate probation.

Also, the Governor intends to grant John Edward Saunders, 54, the restoration of the right to own a firearm. Saunders was convicted of two counts of automobile theft and two counts of escape in 1965. He received a pardon from Governor Parris Glendening on June 10, 1998.

Under Article II, Section 20 of the Maryland Constitution, the Governor may grant reprieves and pardons. The legal process to grant a pardon as set forth in Correctional Services Title §7-206 authorizes the Maryland Parole Commission (“MPC”) to review and make recommendations to the Governor, concerning a pardon, commutation of sentence, or other clemency. This nonbonding recommendation is submitted to the Governor for review. The Governor may choose to accept, modify, or reject MPC’s recommendation. For purposes of effectuating a pardon, the Governor must issue a written executive order under the great seal. In addition, the Governor “shall give notice, in one or more newspapers, of the application made for pardon, and of the day on, or after which, his decision will be given.”